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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,205	09/30/2003	Boris Ginzburg	P-6067-US	9613
49443 7590 05/14/2007 PEARL COHEN ZEDEK LATZER, LLP 1500 BROADWAY 12TH FLOOR NEW YORK, NY 10036			EXAMINER KHAN, IBRAHIM A	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 05/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/673,205	Applicant(s) GINZBURG ET AL.	
	Examiner Ibrahim A. Khan	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-17 and 19-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-17 and 19-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to Applicant's amendment filed on 04/17/2007. **Claims 1-3 and 6-28** are still pending in the present application. **THIS ACTION IS FINAL.**

Response to Arguments

2. Applicant's arguments with respect to claims **1-3 and 6-28** have been considered but are not moot in view of new grounds of rejection.

Allowable Subject Matter

3. The indicated allowability of claims 25-27 is withdrawn in view of the newly discovered reference(s) to **Barber et al (US 20050073979)** Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-24 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Koorapaty et al. (U.S. 2002/0082010)** in view of Hassan et al. (**U.S. 2003/0022670**) and further in view of Barber et al. (**U.S. 20050073979**).

Consider **claim 1 and 11**, Koorapaty discloses a location privacy manager for a wireless communication device and method therefor, further Koorapaty et al. discloses scanning channels the method comprising determining an identifier of a wireless device in a current area where a device station is currently situated (*see figures 5f and 11, page 5 paragraph 0072 and 0073 and page 13 paragraphs 0165-0167 where Koorapaty discloses a wireless terminal that scans a plurality of communication channels in an attempt to communicate with a service provider. Note that it is inherent that the wireless terminal determines the identifiers of the service provider that are actually available in the area. Without identifiers the wireless terminal would not be able to distinguish the different service providers apart*). Koorapaty however, fails to disclose using said identifier to identify a plurality of channels with which said station has previously associated within said current area and scanning said plurality of channels according to a scanning order determined by an associative history of the plurality of channels. In the related art, Barber disclose an identifier to identify a plurality of channels with which said station has previously associated within said current area (*see page 2 paragraph 0025 and page 3 paragraph 0046 where Barber discloses a wireless local area network (WLAN) that uses basic service set identifier (BSSID). Note that used to describe the collection of stations which may communicate together within a WLAN*)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Koorapaty by including a WLAN and BSSID as disclosed by Barber to provide efficient transmission and reception of data between mobile and portable user computer devices (*page 1 paragraph 0003*).

Koorapaty as modified by Barbara however do not disclose scanning said plurality of channels according to a scanning order determined by an associative history of the plurality of channels. In the related art, Hassan discloses scanning said plurality of channels according to a scanning order determined by an associative history of the plurality of channels (*see page 1 paragraphs 0006-0008, page 4 paragraph 0041 table 5, page 6 paragraph 0047 and 0053 where Hassan discloses that mobile terminals perform scanning for channels seeking the highest priority service provider. Hassan also further discloses that if a mobile terminal finds a service provider with a higher priority than a current service provider or forbidden service provider, the mobile terminal adds the found service provider's information in a list so that the mobile terminal can access higher priority service provider and skip the forbidden service provider*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to change the teachings Koorapaty as modified by Barber to include the scanning of wireless channels in a particular scanning order as disclosed by for the purpose of providing continuous communication without interruption (*page 1 paragraph 6*).

Consider **claim 19**, Koorapaty discloses a station comprising a processor (see figure 11) readable medium having instructions for a processor stored thereon that, when executed by the processor result in determining an identifier of a wireless device in a current area where a device

station is currently situated (*see figures 5f and 11, page 5 paragraph 0072 and 0073 and page 13 paragraphs 0165-0167 where Koorapaty discloses a wireless terminal that scans a plurality of communication channels in an attempt to communicate with a service provider. Note that it is inherent that the wireless terminal determines the identifiers of the service provider that are actually available in the area. Without identifiers the wireless terminal would not be able to distinguish the different service providers apart*). Koorapaty however, fails to disclose using said identifier to identify a plurality of channels with which said station has previously associated within said current area and scanning said plurality of channels according to a scanning order determined by an associative history of the plurality of channels. In the related art, Barber disclose an identifier to identify a plurality of channels with which said station has previously associated within said current area (*see page 2 paragraph 0025 and page 3 paragraph 0046 where Barber discloses a wireless local area network (WLAN) that uses basic service set identifier (BSSID). Note that used to describe the collection of stations which may communicate together within a WLAN*)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Koorapaty by including a WLAN and BSSID as disclosed by Barber to provide efficient transmission and reception of data between mobile and portable user computer devices (*page 1 paragraph 0003*).

Koorapaty as modified by Barbara however do not disclose scanning said plurality of channels according to a scanning order determined by an associative history of the plurality of channels. In the related art, Hassan discloses scanning said plurality of channels according to a scanning order determined by an associative history of the plurality of channels (*see page 1*

paragraphs 0006-0008, page 4 paragraph 0041 table 5, page 6 paragraph 0047 and 0053

where Hassan discloses that mobile terminals perform scanning for channels seeking the highest priority service provider. Hassan also further discloses that if a mobile terminal finds a service provider with a higher priority than a current service provider or forbidden service provider, the mobile terminal adds the found service provider's information in a list so that the mobile terminal can access higher priority service provider and skip the forbidden service provider) .

It would have been obvious to one of ordinary skill in the art at the time the invention was made to change the teachings Koorapaty as modified by Barber to include the scanning of wireless channels in a particular scanning order as disclosed by for the purpose of providing continuous communication without interruption (*page 1 paragraph 6*).

Consider **claim 22**, Koorapaty discloses a dipole antenna (*figure 11 items 1110*, a processor operably connected to said dipole antenna (*figure 11 items 1170*) to determine an identifier of a wireless device in a current area where the station is currently situated (*page 5 paragraph 0072 and 0073 and page 13 paragraphs 0165-0167 where Koorapaty discloses a wireless terminal that scans a plurality of communication channels in an attempt to communicate with a service provider. Note that it is inherent that the wireless terminal determines the identifiers of the service provider that are actually available in the area. Without identifiers the wireless terminal would not be able to distinguish the different service providers apart*) and a memory operably connected to said processor to store data about said plurality of channels (*figure 11 items 1160*). Koorapaty however, fails to disclose using said identifier to identify a plurality of channels with which said station has previously associated within said

current area and scanning said plurality of channels according to a scanning order determined by an associative history of the plurality of channels. In the related art, Barber disclose an identifier to identify a plurality of channels with which said station has previously associated within said current area (*see page 2 paragraph 0025 and page 3 paragraph 0046 where Barber discloses a wireless local area network (WLAN) that uses basic service set identifier (BSSID). Note that used to describe the collection of stations which may communicate together within a WLAN*)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Koorapaty by including a WLAN and BSSID as disclosed by Barber to provide efficient transmission and reception of data between mobile and portable user computer devices (*page 1 paragraph 0003*).

Koorapaty as modified by Barbara however do not disclose scanning said plurality of channels according to a scanning order determined by an associative history of the plurality of channels. In the related art, Hassan discloses scanning said plurality of channels according to a scanning order determined by an associative history of the plurality of channels (*see page 1 paragraphs 0006-0008, page 4 paragraph 0041 table 5, page 6 paragraph 0047 and 0053 where Hassan discloses that mobile terminals perform scanning for channels seeking the highest priority service provider. Hassan also further discloses that if a mobile terminal finds a service provider with a higher priority than a current service provider or forbidden service provider, the mobile terminal adds the found service provider's information in a list so that the mobile terminal can access higher priority service provider and skip the forbidden service provider*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to change the teachings Koorapaty as modified by Barber to include the scanning of wireless channels in a particular scanning order as disclosed by for the purpose of providing continuous communication without interruption (*page 1 paragraph 6*).

Consider **claim 2** and as applied to claim 1 above, Koorapaty as modified by Barber and Hassan disclose a identifying a wireless basic service set operating in said area (*Barber page 3 paragraph 0046*)

Consider **claim 3** and as applied to claim 1 above, Koorapaty as modified by Barber and Hassan disclose wherein said identifying said wireless basic service set comprises assuming a service set is a same service set with which a station recently associated. (*Barber page 3 paragraph 0046*)

Consider **claim 6** and as applied to claim 1 above, Koorapaty as modified by Barber and Hassan disclose selecting a channel from said plurality of channels with which to associate (*Koorapaty page 5 paragraph 0068*).

Consider **claim 7** and as applied to claim 6 above, Koorapaty as modified by Barber and Hassan disclose said selecting includes at least evaluating a quality of transmission of at least one of said identified channels (*Koorapaty page 5 paragraph 0068*).

Consider **claim 8** and as applied to claim 1 above, Koorapaty as modified by Barber and Hassan disclose updating a list of channels with data collected in a scan of said channels (*Koorapaty page 5 paragraph 0069*) (*Hassan page 6 paragraph 0053*)

Consider **claim 9** and as applied to claim 1 above, Koorapaty as modified by Barber and Hassan disclose updating a list of service sets with service sets that are identified during said scanning (*Koorapaty page 5 paragraph 0069*) (*Hassan page 6 paragraph 0053*).

Consider **claim 10** and as applied to claim 1 above, Koorapaty as modified by Barber and Hassan disclose comprising ordering said identified channels based on data collected about said channels (*Koorapaty page 5 paragraph 0073*) (*Hassan page 4 paragraph 0041 table 5*).

Consider **claim 12** and as applied to claim 11 above, Koorapaty as modified by Barber and Hassan disclose wherein said processor is to detect a service set and select at least one channel used for transmissions with said service set (*Koorapaty page 5 paragraph 0073*) (*Barber page 3 paragraph 0046*)

Consider **claim 13** and as applied to claim 11 above, Koorapaty as modified by Barber and Hassan disclose said processor is to detect a basic service set operating in said area and to select at least one Channel used for transmissions in an area of said basic service set (*Koorapaty page 5 paragraph 0073, page 13 paragraphs 0165-0167*) (*Barber page 3 paragraph 0046*)

Consider **claim 14** and as applied to claim 11 above, Koorapaty as modified by Barber and Hassan disclose said memory is to store data about channels used for transmissions with at least one service set (*Koorapaty page 13 paragraph 00167*).

Consider **claim 15** and as applied to claim 11 above, Koorapaty as modified by Barber and Hassan disclose said memory is to store data about transmitters in an area of a basic service set (*Koorapaty page 13 paragraph 0165*) (*Barber page 3 paragraph 0046*)

Consider **claim 16** and as applied to claim 11 above, Koorapaty as modified by Barber and Hassan disclose said processor is to select an access point for association based on a quality of transmission with said access point (*Koorapaty page 5 paragraph 0073*).

Consider **claim 17** and as applied to claim 11 above, Koorapaty as modified by Barber and Hassan disclose said processor is to update said memory with data collected in said scanning (*Koorapaty page 5 paragraph 0073*) (*Hassan page 4 paragraph 0041 table 5*).

Consider **claim 20** and as applied to claim 19 above, Koorapaty as modified by Barber and Hassan disclose said execution of said instructions further result in updating a table of said identified channels with data collected during a scan (*Koorapaty page 5 paragraph 0069*) (*Hassan page 6 paragraph 0053*).

Consider **claim 21** and as applied to claim 19 above, Koorapaty as modified by Barber and Hassan disclose said execution said execution of said instructions further result in ordering said identified channels for scanning based on data collected on said channels (*Koorapaty page 5 paragraph 0073*) (*Hassan page 4 paragraph 0041 table 5*)

Consider **claim 23** and as applied to claim 22 above, Koorapaty as modified by Barber and Hassan disclose processor is to detect a service set operating in said area and select at least one channel used for transmissions with said service set (*Koorapaty page 13 paragraph 0165*) (*Barber page 3 paragraph 0046*)

Consider **claim 24** and as applied to claim 22 above, Koorapaty as modified by Barber and Hassan disclose said processor is to update a list of channels with data collected in a scan of said plurality of channels (*Hassan page 6 paragraph 0053*).

Consider **claim 26** and as applied to claim 25, Koorapaty as modified by Hassan does not specifically disclose that the controller is used to detect a service set in a said area. In the related art, Barber disclose that the controller is used to detect a service set in a said area (*see page 2 paragraph 0025 and page 3 paragraph 0046 where Barber discloses a wireless local area network (WLAN) that uses basic service set identifier (BSSID). Note that used to describe the collection of stations which may communicate together within a WLAN*)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Koorapaty by including a WLAN and BSSID as disclosed by Barber

to provide efficient transmission and reception of data between mobile and portable user computer devices (*page 1 paragraph 0003*).

Consider **claim 28** and as applied to claim 1 above, Koorapaty as modified by Barber and Hassan disclose wherein said identifier is determined by receiving a transmission from said wireless device (*Hassan page 6 paragraph 0047*).

Claims **25 and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Koorapaty et al. (U.S. 2002/0082010)** in view of Hassan et al. (**U.S. 2003/0022670**)

Consider **claim 25**, Koorapaty discloses a station (*figure 11*), an access point and a controller to identify at least one channel to be scanned in an area from among a plurality of channels upon which said access point transmits (*see figure 11 1170, page 5 paragraph 0072 and 0073 and page 13 paragraphs 0165-0167 discloses a wireless terminal that scans a plurality of communication channels in an attempt to communicate with a service provider*) And a memory (*see figure 11 item 1160*) to store data about said plurality of channels useable for transmissions in said area *page 13 paragraph 0167 where Koorapaty discloses that the memory device in the mobile terminal performs power up methods described the invention*). Koorapaty however, does not disclose wherein said data includes at least a scanning order associated with said area.

In the related art, Hassan discloses scanning said plurality of channels according to a scanning order (*see page 1 paragraphs 0006-0008, page 4 paragraph 0041 table 5, page 6*

paragraph 0047 and 0053 where Hassan discloses that mobile terminals perform scanning for channels seeking the highest priority service provider. Hassan also further discloses that if a mobile terminal finds a service provider with a higher priority than a current service provider or forbidden service provider, the mobile terminal adds the found service provider's information in a list so that the mobile terminal can access higher priority service provider and skip the forbidden service provider).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to change the teachings Koorapaty to include the scanning of wireless channels in a particular scanning order as disclosed by for the purpose of providing continuous communication without interruption (*page 1 paragraph 6*).

Consider **claim 27** and as applied to claim 25 above, Koorapaty as modified by Hassan disclose that the controller is to update a table of said identified channels with data collected on said at least one channel (*Hassan page 6 paragraph 0053*).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of

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the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Ibrahim A. Khan whose telephone number is (571) 270-1110.

The Examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications


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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Ibrahim A. Khan
I.A.K./iak

05/03/2007


NICK CORSARO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600